

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 CIVIL APPLICATION NO. 11720 OF 2017
IN FAST/28671/2017 WITH CA/11721/2017 IN
FAST/28669/2017

PRAMILABAI VASANT CHAUDHARI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER U.T.P.H. -1
JALGAON AND ANR

WITH
52 CIVIL APPLICATION NO. 12185 OF 2017
IN FAST/31052/2017

PUNA JAYSING RATHOD (DIED) THR LRS LAXMAN AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI PROJECT
HATNUR-1 JALGAON AND ANR

WITH
53 CIVIL APPLICATION NO. 12186 OF 2017
IN FAST/31529/2017

SITARAM KESHAV PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, U.T.P.H-1,
JALGAON AND ANR

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Advocate for Applicants : Mr. Gajendra Devichand Jain
h/for Mr. Kshirsagar Hemraj P.

AGP for Respondents State: Mr. S. S. Dande

Advocate for Respondent No.2 : Mrs. Chaitali Kutti

CORAM : K. L. WADANE, J.

DATE : 25th September, 2017

ORDER:

1. Heard.

2. These are applications for condonation of delay of 3014, 3860 and 3028 days respectively caused in filing an Appeals against the impugned judgment and award.

3. Mr. Jain, the learned counsel appearing for the applicants submits that the applicants are financially poor and they were unable to pursue the proceeding due to poverty. Learned counsel for respondents opposed the application on the ground that there is inordinate delay in filing the present appeals and it has not been explained satisfactorily. The delay caused in filing the appeal is not accidental and it is an intentional. In the alternate, the learned counsel submits that if the applicants succeeds they shall not be entitled for the amount of interest and/or other statutory benefits for the period for which the delay sought to be condoned.

4. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the appellants succeed in the first appeals, then they will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

5. Civil applications are accordingly disposed of.

(K. L. WADANE, J.)

JPC